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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,794	09/22/2005	Philip J. Barker	36-1941	4008
23117	7590	08/11/2006	EXAMINER TRAN, HOANG Q	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,794	<b>Applicant(s)</b> BARKER ET AL.	
	<b>Examiner</b> Hoang Tran	<b>Art Unit</b> 2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

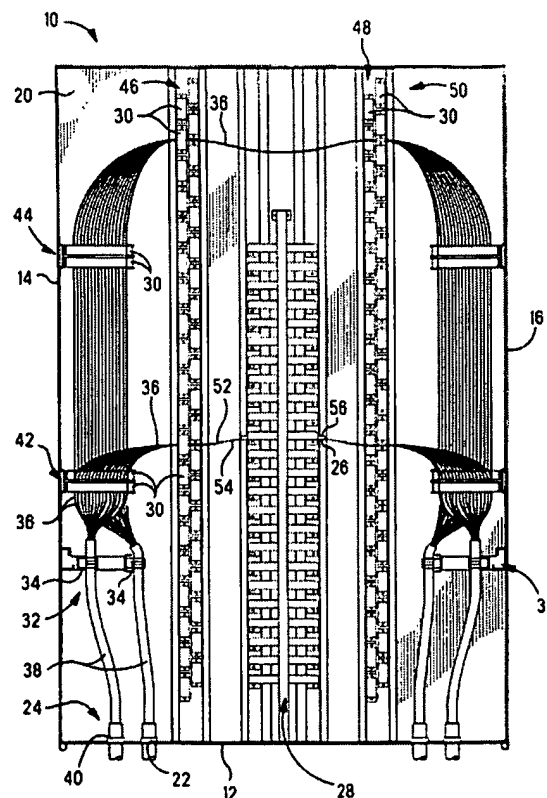
### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

**Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fasnacht et al. (US 5,535,298 "Fasnacht" hereafter).**

In terms of claim 1, Fasnacht teaches a flexible suite for routing optical fibers within a telecommunication switch installation, the suite comprising: a first flexibility point and a second flexibility point, the first flex (at the junction labeled '30') including a first set of conduits each of the conduits having a first end disposed in a first array (42) and a second end disposed in a second array (44); the second flexibility point including a second set of conduits, each of the conduits having a first end disposed in a third array (horizontally opposite from 2<sup>nd</sup> array '44') and a second end disposed in a fourth array (horizontally opposite from 1<sup>st</sup> array '42'); the flexibility suite being so arranged as to permit the conduit ends on the second array to be interconnected with conduit ends on the third



**FIG. 3**

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array by means of tubular interconnects so that, by selecting the conduits whose ends on the second and third arrays are interconnected (36), a continuous path can be formed between any conduit end in the first array and any conduit end in the fourth array (28).

As for claims 2-6, the connectors (30) for connecting the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> arrays interconnect the conduit end to the tubular interconnect by means of a double-ended connector.

As for claims 9 and 10, the 1<sup>st</sup> array is arranged side-by-side with the 4<sup>th</sup> array and the 2<sup>nd</sup> array is arranged side-by-side with the 3<sup>rd</sup> array wherein one panel holds the 1<sup>st</sup> and 2<sup>nd</sup> array and the second panel holds the 3<sup>rd</sup> and 4<sup>th</sup> array (See Fig. 3 shown above).

In terms of claims 11 and 15, the panel is a router of optical signals that is able to receive an incoming cable (fig. 3 '22').

In terms of claim 12 and 13, the incoming cable is spliced to the blow-fiber member through the splice tray (26).

As to claim 14, the installation including a plurality of secondary flexible suites is drawn in detail shown in Fig. 5.

As to claim 16, the means for controlling the bend radius of the blown fiber is through the alignment of the connector and the management clip (col. 4, lines 3-7).

Regarding the method steps of claims 17-22, Kim discloses the method steps in teaching the structural limitations of the device (See Rejection 1 and Figures 1-5).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fasnacht in view of Barker et al. (US 5,557,703 "Barker" hereinafter).

Fasnacht discloses the invention of claim 1 wherein the tubular interconnects includes bores.

However, Fasnacht does not explicitly disclose the diameter of the bores. Barker discloses an installation method for blown fibers wherein Barker discloses a suitable tubular interconnects that may be used have a diameter of 3.5 mm (col. 12, line 29). The disclosure of Barker obviates the claimed limitation since the diameter falls within the range of 2 and 4 millimeters. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention as made to optimize the diameter of the tubular interconnect depending on the number of fibers that are blown into the tube. Of course, the diameter must be larger when there are a high number of fibers blown into the tube. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Tran whose telephone number is 571-272-5049. The examiner can normally be reached on 9:00AM - 5:00 PM.

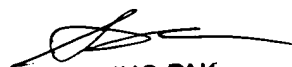
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ht



Hoang Tran  
AU 2874  
August 3, 2006



SUNG PAK  
PRIMARY EXAMINER